

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Resolution No. 8705 authorizing execution of an amendment to the Professional Services Agreement with Pacifica Law Group LLP to increase the total contract amount from \$49,000 to \$300,000 to provide legal services for the City in the lawsuit of *City of Bellevue v. Pine Forest Properties, Inc., et al.*, KCSC No. 13-2-36105-1 SEA.

FISCAL IMPACT

This action obligates the City to increase the total contract amount for outside legal services provided by Pacifica Law Group LLP by \$251,000.

Original Contract	\$ 49,000
Amendment #1	<u>251,000</u>
New Contract Total Amount	\$300,000

Sufficient funds exist within the 2013-2019 Capital Investment Program (CIP Plan No. PW-R-181, Eastlink MOU Commitments) to fully fund this contract.

STAFF CONTACT

Cheryl A. Zakrzewski, Assistant City Attorney, 452-4081
Lori M. Riordan, City Attorney, 452-7220
City Attorney's Office

POLICY CONSIDERATION

Should the City continue to retain outside counsel to provide legal services for the City in this lawsuit?

BACKGROUND

The City filed a petition for eminent domain to obtain the property located at 1445 120th Avenue NE. The City is committed to obtaining this property for use by Sound Transit related to the East Link Project. Additionally, portions of this property will be used for other City purposes.

The City retained Pacifica Law Group to prosecute the condemnation of this property on the City's behalf. The lawsuit is scheduled to go to trial on June 16, 2014. An amendment to the Professional Services Agreement is necessary to provide sufficient funding for the City to undertake additional discovery, prepare and file motions, undertake mediation, and prepare for and attend trial.

EFFECTIVE DATE

If adopted, this Resolution will be effective immediately.

OPTIONS

1. Adopt Resolution No. 8705 authorizing execution of the amendment to the Professional Services Agreement with Pacifica Law Group LLP, increasing the total contract amount to an amount not to exceed \$300,000.
2. Do not adopt Resolution No. 8705, do not authorize the payment for these additional legal services, and provide alternative direction to staff.

RECOMMENDATION

Adopt Resolution No. 8705 authorizing execution of an amendment to the Professional Services Agreement with Pacifica Law Group LLP increasing the total contract amount to a total not to exceed \$300,000, to provide legal services for the City in the lawsuit of *City of Bellevue v. Pine Forest Properties, Inc., et al.*, KCSC No. 13-2-36105-1 SEA.

MOTION

Move to adopt Resolution No. 8705 authorizing execution of an amendment to the Professional Services Agreement with Pacifica Law Group LLC increasing the total contract amount to a total not to exceed \$300,000, to provide legal services for the City in the lawsuit of *City of Bellevue v. Pine Forest Properties, Inc., et al.*, KCSC No. 13-2-36105-1 SEA.

ATTACHMENTS

Proposed Resolution No. 8705

AVAILABLE IN COUNCIL OFFICE

Amendment #1 to the Agreement for Services (Professional Services Contract)

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 8705

A RESOLUTION authorizing the City Manager or his designee to execute an amendment to the Professional Services Agreement with Pacifica Law Group LLP to increase the total contract amount from \$49,000 to \$300,000 for legal services in the lawsuit of *City of Bellevue v. Pine Forest Properties, Inc., et al.*, KCSC No. 13-2-36105-1 SEA.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Manager or his designee is hereby authorized to execute an amendment to the Professional Services Agreement with Pacifica Law Group LLP to increase the total contract amount from \$49,000 to \$300,000 for legal services in the lawsuit of *City of Bellevue v. Pine Forest Properties, Inc., et al.*, KCSC No. 13-2-36105-1 SEA, a copy of which amendment has been given Clerk's Receiving No. _____.

Passed by the City Council this _____ day of _____, 2014, and signed in authentication of its passage this _____ day of _____, 2014.

(SEAL)

Claudia Balducci, Mayor

Attest:

Myrna L. Basich, City Clerk